

REMARKS

This application has been reviewed in light of the final Office Action mailed on September 1, 2009. Claims 1-13 are pending in the application with Claims 1 and 8 being in independent form. By the present amendment, Claims 1, 3, 8 and 10 have been amended. No new matter or issues are believed to be introduced by the amendments. Support for the amendments can be found at page 4, lines 11-17 of the specification.

Claims 1 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0079225 to Peising et al. in view of U.S. Patent Application No. 2004/0034875 to Bulkowski et al.

It is undisputed that Peising et al. does not teach or suggest "a timebase is included in the broadcast signal." Clearly, since Peising et al. does not teach or suggest that a timebase is included in the broadcast signal, it cannot teach or suggest, inserting a received timebase into the signal, wherein the timebase is a periodic clock, as recited by Applicant's independent Claims 1 and 8.

Bulkowski et al. is cited to provide that which is admitted missing from Peising, however, it is respectfully submitted that reliance on Bulkowski et al. is misplaced.

Bulkowski et al. shows a method and apparatus that addresses and resolves the issues currently affecting the ability to offer Enhanced TV, in particular, those issues concerning timing and synchronization, interation with other modules in the STB, and distribution. The protocol to transmit this timing information to the client consists of time pulses that are associated with the data substream (see FIG. 5, paragraphs [0070]-[0074]). These time pulses are delivered regularly to the client, and consist of the current time on the substream's time base. Figure 5 shows the multiplexing of data and timing information for two data substreams, subStream A

and subStream B, on a single data stream 150. Note that the main data stream may contain data 151 that are not associated with a substream, as well as data 152, 153 that are specific to each contained substream. (See, paragraph [0081].)

In Bulkowski et al., the data substream, assuming arguendo is analogous to the broadcast signal, there is no disclosure or suggestion that the data substream comprises at least three components, as recited by Applicant's independent Claims 1 and 8. Therefore, there is also no disclosure or suggestion by Bulkowski et al. that time pulses, assuming arguendo are analogous to the periodic clock, are inserted into one of the three components, as recited by Applicant's independent Claims 1 and 8.

In Bulkowski et al., the time pulses are associated with the substream (see paragraph 0070 of Bulkowski et al.), whereas in Applicant's claimed subject matter, the periodic clock is inserted within the broadcast signal. Specifically, as recited by amended independent Claims 1 and 8, the periodic clock is inserted into one of the three components of the broadcast signal.

Support for Applicant's amendments can be found in Applicant's specification where it states, "Included in the data component 22 is a timebase 23, which is a periodic clock inserted into the data component 22 every second." (See page 4, lines 14-17)

It is respectfully submitted that Peising et al. in view of Bulkowski et al., does not teach or suggest the features as recited in independent Claim 1, and similarly recited in independent Claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

the broadcast signal comprising at least three components and including a timebase, monitoring the broadcast signal for an identification signal, and pausing the received timebase if the identification signal is not present, wherein said timebase is a periodic clock inserted into one of the three components.

It is respectfully submitted that inserting a timebase, wherein said timebase is a periodic clock into one of the three components is not present, is nowhere disclosed or suggested in

Peising et al. and Bulkowski et al., taken alone or in any proper combination. Accordingly, it is respectfully submitted that independent Claims 1 and 8 are allowable. In addition, Claims 2-7 and 9-13 are allowable at least because they depend from independent Claims 1 and 8, as well as for the separately patentable elements contained in each of the dependent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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